

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

| | | |
|--------------------------------|---|------------------------------|
| JAMES E. ALIFF AND |) | |
| SAVANNAH DIANNE MCNORRILL, |) | |
| on behalf of themselves and |) | |
| all others similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 14-CV-00198 |
| |) | |
| RESURGENT CAPITAL SERVICES |) | |
| AND LVNV FUNDING, LLC, |) | |
| |) | |
| Defendants. |) | |
| |) | |

MOTION FOR CLERK'S ENTRY OF DEFAULT

Plaintiffs James E. Aliff and Savannah Dianne McNorrill, by and through their attorney of record, request that the clerk of the court enter default against Defendants Resurgent Capital Services and LVNV Funding, LLC pursuant to Federal Rule of Civil Procedure 55(a).

1. Plaintiffs James E. Aliff and Savannah Dianne McNorrill filed suit in the Superior Court for the County of Columbia, State of Georgia, Civil Action No. 2014-CV-0646, on September 16, 2014 (the “State Action”).
2. Defendant Resurgent Capital Services was served via personal service on September 17, 2014. (Doc. No. 1-2 at 45; Affidavit of Service filed herewith.)
3. Defendant LVNV Funding, LLC was served via personal service on October 1, 2014. (See Affidavit of Service filed herewith.)

4. Defendants Resurgent Capital Services and LVNV Funding, LLC filed a joint notice of removal of the State Action to the United States District Court for the Southern District of Georgia on October 17, 2014. (Doc. No. 1.)
5. Pursuant to Federal Rule of Civil Procedure 81(c)(2)(c), Defendants' answers were due on October 24, 2014.
6. Defendants have not answered, pled, or otherwise defended within the seven days after the filing of their notice of removal and, therefore, are now in default.
7. Federal Rule of Civil Procedure 55(a) states: "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Consequently, pursuant to Federal Rule of Civil Procedure 55(a), the clerk must enter a default in this action.

Wherefore Plaintiffs request that the clerk of the court enter default against Defendants Resurgent Capital Services and LVNV Funding, LLC.

This 29th day of October, 2014.

/s/ Christopher A. Cosper
CHRISTOPHER A .COSPER
Georgia Bar No. 142020
Attorney for Debtor

OF COUNSEL:
Hull Barrett, P.C.
Post Office Box 1564
Augusta, GA 30903-1564
(706) 722-4481
ccosper@hullbarrett.com

CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”) which was generated as a result of electronic filing.

This 29th day of October, 2014.

/s/ Christopher A. Cosper
CHRISTOPHER A .COSPER
Georgia Bar No. 142020
Attorney for Debtor

OF COUNSEL:

Hull Barrett, P.C.
Post Office Box 1564
Augusta, GA 30903-1564
(706) 722-4481
ccosper@hullbarrett.com